

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 201908017	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/07/2019 9:43 PM, Saturday, 09/07/2019 10:00 PM	Location of Incident: Atkins Avenue and Belmont Avenue; 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 3/7/2021	EO SOL 10/22/2021	
Date/Time CV Reported Wed, 09/11/2019 8:54 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/11/2019 8:54 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Nowaiz Rasool	05482	961150	075 PCT
2. LT Forrest Hirsch	00000	941905	075 PCT
3. Officers			
4. POM Oscar Mancilla	00456	959782	075 PCT
5. POM Alec Solomito	03561	964782	075 PCT
6. An officer			
7. POM Joshua Navarro	16066	957891	075 PCT
8. CPT Mark Vazquez	00000	933447	090 PCT
9. POM Anthony Caselli	11931	960335	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Hansson	02972	949084	WARRSEC
2. POM Matthew Dunne	14902	950357	075 PCT
3. SGT Richard Elliott	1665	941009	075 PCT
4. SGT Nicholas Demeo	04448	950308	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nowaiz Rasool	Abuse: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Nowaiz Rasool stopped the vehicle in which § 87(2)(b) was an occupant.	

Officer(s)	Allegation	Investigator Recommendation
B.POM Oscar Mancilla	Abuse: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Oscar Mancilla stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Joshua Navarro	Abuse: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro stopped the vehicle in which was an occupant.	
D.POM Oscar Mancilla	Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Oscar Mancilla spoke discourteously to an individual.	
E.POM Joshua Navarro	Force: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro used physical force against § 87(2)(b)	
F.POM Joshua Navarro	Force: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro used physical force against § 87(2)(b)	
G.POM Alec Solomito	Abuse: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Alec Solomito questioned an individual.	
H.LT Forrest Hirsch	Abuse: At Atkins Avenue and Belmont Avenue in Brooklyn, Lieutenant Forrest Hirsch threatened to arrest an individual.	
I.LT Forrest Hirsch	Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Lieutenant Forrest Hirsch spoke discourteously to an individual.	
J.CPT Mark Vazquez	Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Captain Mark Vazquez spoke discourteously to Individuals.	
K.POM Oscar Mancilla	Discourtesy: At the 75th Precinct stationhouse, Police Officer Oscar Mancilla spoke discourteously to § 87(2)(b)	
L. Officers	Abuse: At the 75th Precinct stationhouse, officers refused to provide their name to § 87(2)(b)	
M. Officers	Abuse: At the 75th Precinct stationhouse, officers refused to provide their shield number to § 87(2)(b)	
N.LT Forrest Hirsch	Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch acted discourteously toward § 87(2)(b)	
O.LT Forrest Hirsch	Abuse: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch damaged § 87(2)(b)'s property.	
P.LT Forrest Hirsch	Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)	
Q.LT Forrest Hirsch	Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)	
R.LT Forrest Hirsch	Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)	
S. Officers	Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)	
T. Officers	Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)	
U. Officers	Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)	
V.POM Joshua Navarro	Force: At the 75th Precinct stationhouse, Police Officer Joshua Navarro used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
W. Officers	Force: At the 75th Precinct stationhouse, officers used physical force against § 87(2)(b)	
X.POM Joshua Navarro	Force: At the 75th Precinct stationhouse, Police Officer Joshua Navarro used physical force against § 87(2)(b)	
Y. An officer	Force: At the 75th Precinct stationhouse, an officer hit § 87(2)(b) against the ground.	
Z. An officer	Abuse: At the 75th Precinct stationhouse, an officer threatened § 87(2)(b) with the use of force.	
2A. An officer	Force: At the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
2B. An officer	Force: At the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
2C. An officer	Force: At the 75th Precinct stationhouse, an officer hit § 87(2)(b) against the ground.	
2D. An officer	Force: At the 75th Precinct stationhouse, an officer pointed his/her gun at § 87(2)(b)	
2E.LT Forrest Hirsch	Abuse: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch refused to provide his shield number to § 87(2)(b)	
2F.LT Forrest Hirsch	Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)	
2G.POM Anthony Caselli	Force: At the 75th Precinct stationhouse, Police Officer Anthony Caselli used physical force against § 87(2)(b)	
2H. An officer	Discourtesy: At the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)	
2I. Officers	Abuse: At the 75th Precinct stationhouse, officers did not obtain medical treatment for § 87(2)(b)	

Case Summary

On September 11, 2019, § 87(2)(b) filed this complaint on behalf of her sons: § 87(2)(b) and § 87(2)(b) and her nephews: § 87(2)(b) and § 87(2)(b) with the CCRB via phone.

On September 7, 2019, at approximately 10:00 p.m., PO Nowaiz Rasool, PO Oscar Mancilla, and PO Joshua Navarro stopped § 87(2)(b)'s vehicle in the vicinity of Atkins Avenue and Belmont Avenue in Brooklyn (**Allegations A-C: Abuse of Authority**, § 87(2)(g)). There were three unidentified occupants in § 87(2)(b)'s vehicle at the time. During the vehicle stop, PO Mancilla spoke discourteously to an unidentified occupant (**Allegation D: Discourtesy**, § 87(2)(g)). PO Rasool pulled § 87(2)(b) out of the vehicle and PO Navarro punched him (**Allegation E, Force**: § 87(2)(g)). Officers handcuffed § 87(2)(b) and placed him inside a police van. While inside the police van, PO Navarro placed his body weight on top of § 87(2)(b) (**Allegation F, Force**: § 87(2)(g)).

The occupants were told to exit the vehicle and PO Solomito questioned one of the unidentified occupants (**Allegation G: Abuse of Authority**, § 87(2)(g)). Additional officers, including Captain Mark Vazquez (he has since been promoted to Deputy Inspector), Lt. Forrest Hirsch, Sgt. Michael Hansson, PO Matthew Dunne, and Sgt. Richard Elliot, of the 75th Precinct arrived at the location. Lt. Hirsch threatened to arrest § 87(2)(b) (**Allegation H: Abuse of Authority**, § 87(2)(g)). Lt. Hirsch spoke discourteously towards an unidentified individual (**Allegation I: Discourtesy**, § 87(2)(g)). Officers then transported § 87(2)(b) and an unidentified male to the 75th Precinct stationhouse. On the scene there was still a large group of individuals standing in front of a residence. Captain Vazquez and officers stood in front of the location and Captain Vazquez spoke discourteously towards unidentified individuals, (**Allegation J, Discourtesy**: § 87(2)(g)).

As PO Mancilla escorted § 87(2)(b) into the 75th Precinct stationhouse, PO Mancilla spoke discourteously towards him (**Allegation K: Discourtesy**, § 87(2)(g)). § 87(2)(b) was later released with a summons.

At approximately 10:20 p.m., § 87(2)(b) arrived at the stationhouse to obtain information regarding § 87(2)(b)'s arrest. While at the stationhouse, officers refused to provide their name and shield numbers to § 87(2)(b) (**Allegation L: Abuse of Authority**, § 87(2)(g)). § 87(2)(b); **Allegation M: Abuse of Authority, Officers Unidentified**). Officers subsequently arrested and charged § 87(2)(b) with disorderly conduct, trespassing, and resisting arrest. While in front of the desk, Lt. Hirsch threw § 87(2)(b)'s glasses and damaged it (**Allegation N: Discourtesy**, § 87(2)(g)). **Allegation O: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was arrested for disorderly conduct, criminal trespass, and resisting arrest.

At approximately 11:40 p.m., § 87(2)(b) and § 87(2)(b) entered the 75th Precinct stationhouse to inquire about § 87(2)(b) and § 87(2)(b)'s arrests. Lt. Hirsch and an unidentified officer used profanity while telling § 87(2)(b) and § 87(2)(b) to get out (**Allegation P-R: Discourtesy**, § 87(2)(g)). **Allegation S-U: Discourtesy**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) exited the stationhouse and the officers followed. Outside, PO Navarro jumped towards § 87(2)(b) and pulled him to the ground while his knees contacted § 87(2)(b)'s stomach and rib area (**Allegation V: Force**, § 87(2)(g)). Officers then took § 87(2)(b) down to the ground, punched, kicked, and stomped on him (**Allegation W: Force**, § 87(2)(g)). PO Navarro also punched § 87(2)(b) (**Allegation X: Force**, § 87(2)(g)). An officer allegedly

applied pressure against § 87(2)(b)'s face (**Allegation Y: Force, § 87(2)(g)**). An officer allegedly pointed his taser at § 87(2)(b) (**Allegation Z: Force, § 87(2)(g)**).

As the officers were handcuffing § 87(2)(b) an officer punched § 87(2)(b) slammed him on the ground, and then pressed his face against the ground before handcuffing him (**Allegation AA-AC: Force, § 87(2)(g)**). An officer then allegedly pointed their firearm against § 87(2)(b)'s back (**Allegation AD: Force, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were handcuffed and brought into the stationhouse. As the officers escorted § 87(2)(b) asked Lt. Hirsch for his name and shield number and he only provided his name (**Allegation AE: Abuse of Authority, § 87(2)(g)**). Lt. Hirsch also used profanity towards § 87(2)(b) (**Allegation AF: Discourtesy, § 87(2)(g)**).

Inside the holding cell area of the stationhouse, PO Anthony Caselli pushed § 87(2)(b) (**Allegation AG: Force, § 87(2)(g)**). An officer then called § 87(2)(b) a "little bitch" (**Allegation AH: Offensive Language, § 87(2)(g)**). While at the stationhouse § 87(2)(b) requested medical attention, but never received it (**Allegation AI: Abuse of Authority, § 87(2)(g)**).

Findings and Recommendations

Allegation (A) Abuse of Authority: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Nowaiz Rasool stopped the vehicle in which § 87(2)(b) was an occupant.
Allegation (B) Abuse of Authority: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Oscar Mancilla stopped the vehicle in which § 87(2)(b) was an occupant.
Allegation (C) Abuse of Authority: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro stopped the vehicle in which § 87(2)(b) was an occupant.

In his telephone statement to the CCRB, § 87(2)(b) stated that "§ 87(2)(b)" (spelling unknown), § 87(2)(b) and § 87(2)(b) were inside his white "Infiniti G35" while he was in the driver seat as the vehicle was double parked on the street (Board Review 02). After approximately a minute or two, officers in a black van told § 87(2)(b) to move his vehicle. § 87(2)(b) complied and after moving his car, the officers turned on the police lights and asked § 87(2)(b) for his license and registration. § 87(2)(b) provided the documents to the officers. § 87(2)(b) was uncooperative with providing a sworn statement and the investigation was unable to contact the other witnesses.

PO Rasool, PO Navarro, and PO Mancilla provided slightly different reason for why the vehicle was stopped. PO Rasool stated that he observed § 87(2)(b)'s vehicle with no rear license plate and stopped at a hydrant (Board Review 09). PO Rasool did not recall if the police lights and sirens were activated, but § 87(2)(b)'s vehicle never moved. PO Navarro stated that they stopped the vehicle solely because it was double parked (Board Review 12 and 13). PO Navarro did not recall when the lights were activated or if they announced themselves, but they waited for § 87(2)(b)'s vehicle to move before stopping it. PO Mancilla stated that the vehicle was initially double parked and when it moved they stopped the vehicle for having improperly displayed plates since it had a license plate cover (Board Review 09). PO Mancilla stated that they activated the police vehicle's turret lights and sirens to stop the vehicle.

§ 87(2)(b) was arrested and charged with resisting arrest, obstruction of governmental administration, disorderly conduct (unreasonable noise), and Vehicle Traffic Law (VTL) 0402 (4) for "improper plates" (Board Review 15).

At 00:29 of PO Navarro's BWC footage, it appears there is no license plate on the rear of § 87(2)(b).

§ 87(2)(b)'s vehicle where one is usually located, but there is a piece of paper taped to the upper right corner of the rear windshield (Board Review 18).

§ 87(2)(b), § 87(2)(g)

Allegation (D) Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Oscar Mancilla spoke discourteously to § 87(2)(b)

At 5:49, of PO Mancilla's BWC, PO Mancilla says to the front passenger in the vehicle, "You better not move. I'm telling you, you better not fucking move. Don't fucking move (Board Review 20)." § 87(2)(b) did not allege this and the investigation was unable to obtain contact information for the other occupants. Starting from 5:25 of PO Mancilla's BWC, indistinct conversations can be heard in the background. Between 5:25 and 5:48, PO Mancilla tells the front passenger not to move three times and also instructs people outside of the vehicle to back up.

In his CCRB testimony, PO Mancilla stated that between 5:25 and 5:43 of his BWC, the front passenger who he identified as "Derek Redd" moved his body forward while the door was opened and more people were coming on the scene (Board Review 05). PO Mancilla stated that between 5:43 and 6:04, he was scared because he did not know who was in the vehicle and the driver was already out of the vehicle. PO Mancilla stated that he used the word "fucking" because he was "worried about the situation, fear, and emotions," but PO Mancilla did not have an independent recollection of saying the profanities captured.

At 1:21 of PO Solomito's BWC, PO Solomito walks over to the driver side of the vehicle and more than five civilians are standing a few feet away from the vehicle at around the time PO Mancilla is speaking to the front passenger inside the vehicle (Board Review 21).

At 6:10 of PO Rasool's BWC, PO Rasool tells the driver § 87(2)(b) to step out of the vehicle (Board Review 22). This occurs before PO Mancilla speaks discourteously to § 87(2)(b). § 87(2)(b) did not comply and at 6:29, PO Rasool pulls § 87(2)(b) out of the vehicle and a physical altercation ensues, but is not captured because PO Rasool's BWC falls down and deactivates.

The mission and values of the NYPD states that officers are to "maintain a higher standard of integrity that is generally expected of others" and "value human life, respect the dignity of each individual, and render our services with courtesy and civility," NYPD Patrol Guide Procedure 200-02 (Board Review 23).

Officers' use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves "no legitimate purpose but to belittle" a civilian, DAO DCT Case Number 2015-15012 (Board Review 24).

It is undisputed that a crowd formed around the officers and the vehicle they stopped. There were loud indistinct conversations coming from the crowd. PO Mancilla told people to back up multiple times and told the front passenger not to move three times before using the profanity. Moreover,

§ 87(2)(g)

Allegation (E) Force: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro used physical force against § 87(2)(b)

Allegation (F) Force: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Joshua Navarro used physical force against § 87(2)(b)

In a phone statement to the CCRB, § 87(2)(b) stated that after he provided his license and registration to the officers, an officer asked him to exit the vehicle (Board Review 02). § 87(2)(b) asked why and if he was under arrest. The officer told § 87(2)(b) that he was being detained and PO Rasool dragged him out of the vehicle. Multiple officers subsequently punched § 87(2)(b) in the face and head and an officer placed their knee against his back. The officers handcuffed § 87(2)(b) and brought him to the police van. An officer then pushed § 87(2)(b) into the van, causing him to fall on the floor. This officer then pushed § 87(2)(b) into the seat and punched § 87(2)(b) in the face.

In his CCRB statement, PO Rasool stated that § 87(2)(b) did not provide his license, registration, and insurance upon request (Board Review 09). PO Rasool stated that inside the vehicle § 87(2)(b) kept moving his arms away from PO Rasool, reaching around, looking away, and turning his body away from PO Rasool. 20-30 civilians then began to surround the officers. PO Rasool told the civilians to step away, but they did not comply. At this point, PO Rasool instructed § 87(2)(b) to step out of the vehicle multiple times. § 87(2)(b) refused to exit the vehicle. § 87(2)(b) was going to be removed to the stationhouse for further investigation into the lack of license plate, license status, and possibly issue him a summons. PO Rasool pulled § 87(2)(b) out of the vehicle after he refused to exit. PO Rasool grabbed § 87(2)(b)'s arm and § 87(2)(b) continued to refuse to exit. PO Navarro subsequently assisted. Once out of the vehicle, § 87(2)(b) refused to place his hands behind his back, stiffened his body, tossed and turned, and flailed his arms in all directions. As a result of the struggle, PO Rasool and § 87(2)(b) fell down. PO Rasool did not recall if a handcuff was placed on § 87(2)(b) prior to him being on the ground. While on the ground, § 87(2)(b) stiffened his body, flailed his arms, and prevented the officers from moving his hands towards his lower back. PO Rasool attempted to handcuff § 87(2)(b) by grabbing a hand and handcuffing it. Additionally, PO Rasool used his body weight against § 87(2)(b) to control him, but he did not recall which part of § 87(2)(b)'s body he contacted. PO Rasool said he possibly told § 87(2)(b) to stop resisting or give them his hands during the handcuffing process. PO Rasool denied punching the § 87(2)(b) and did not recall if PO Navarro punched him. PO Rasool did not recall if PO Navarro used any additional force against § 87(2)(b). After PO Rasool and PO Navarro handcuffed § 87(2)(b), PO Navarro escorted § 87(2)(b) to the police van. § 87(2)(b) was moving away from PO Navarro as they walked. PO Rasool remained by § 87(2)(b)'s vehicle and escorted all of the occupants out.

In his CCRB interview, PO Navarro stated that he and PO Rasool pulled § 87(2)(b) out of the vehicle after he did not comply with PO Rasool's orders to do so (Board Review 12 and 13). PO Navarro did not know why § 87(2)(b) was asked to step out of the vehicle. As they pulled § 87(2)(b) out of the vehicle, PO Navarro's BWC was knocked down. § 87(2)(b) tensed up and pulled away from PO Navarro. § 87(2)(b) refused to give his hands and moved them around to avoid being handcuffed. PO Navarro subsequently took § 87(2)(b) down to the ground to handcuff him. PO Navarro and § 87(2)(b) were both on the ground and were in

different positions at different times. At one point, PO Navarro was on top of § 87(2)(b) and § 87(2)(b) tried to get out by pushing with arms, hips, and shoulders. PO Navarro wrestled and grappled with § 87(2)(b). Eventually PO Navarro was able to get § 87(2)(b) to lie on his belly. At some point during the struggle, PO Navarro punched an unknown part of § 87(2)(b)'s body. PO Navarro did not recall what § 87(2)(b) did immediately before he punched him or where the punches landed because of how close they were to each other and because the incident happened over a year prior to his CCRB interview. PO Navarro did not recall if the punches were done in succession. PO Navarro did not know if § 87(2)(b) ever struck him because he could not differentiate the physical contact because of how close they were to each other. PO Navarro did not see § 87(2)(b) hit any officers. PO Navarro did not recall what PO Rasool was doing. The crowd was going “nuts” at this point; people were loud and cursing at the officers.

After PO Navarro handcuffed § 87(2)(b) he walked § 87(2)(b) to the police van. PO Navarro did not recall if § 87(2)(b) was compliant with walking to the van, but he was able to get him inside the van. PO Navarro and § 87(2)(b) were in the rear seat together. PO Navarro did not know how long he and § 87(2)(b) were in the vehicle before approximately 10 people “rushed” towards the van. The van’s doors were opened and at least the people in the front of the crowd reached inside the van. PO Navarro was only able to see hands inside the van. At this point, § 87(2)(b) started to move his whole body. PO Navarro was focused on the opening of the van in case people tried to come inside and ensuring § 87(2)(b) did not escape. § 87(2)(b) was laying sideways on the seat with his chest area facing the front of the van and PO Navarro placed his body weight by sitting on § 87(2)(b)'s shin area to ensure he could not move. PO Navarro was facing the opening of the van and had § 87(2)(b)'s legs between his. PO Navarro yelled at § 87(2)(b) to stop moving, but he did not recall if he did anything else physically towards § 87(2)(b). § 87(2)(b) moved his body and yelled at PO Navarro. PO Navarro did not know how long he was on top of § 87(2)(b)'s leg. Once the crowd dispersed, § 87(2)(b) calmed down.

At 7:57 of PO Mancilla’s BWC footage, there appears to be more than five civilians standing close to the police van and PO Mancilla runs towards the van (Board Review 20). At 8:03, there appears to be a commotion, but due to PO Mancilla’s BWC moving and the poor lighting, it is unclear what is happening aside from hearing people yelling. PO Mancilla tells people to back up. Starting at 9:09 of PO Mancilla’s BWC footage, PO Mancilla enters the van. It is dark and the BWC does not capture the entire interior of the van. There are two civilians (identified via the investigation as § 87(2)(b) and “§ 87(2)(b)” and another officer (identified via the investigation as PO Navarro) inside the vehicle. Due to the angle and poor lighting condition, PO Mancilla’s BWC cannot credit nor discredit PO Navarro’s account of what occurred inside the van.

At 4:35 of PO Solomito’s BWC, civilians around the police van scream, “They beating him up” (Board Review 21). At 4:43, a female says, “Open this door.” PO Solomito tells people to back up.

None of the officers’ BWC footage captured what happened after PO Rasool pulled § 87(2)(b) out of the vehicle or clearly depicts what happened inside the police van.

It is undisputed that PO Navarro punched § 87(2)(b) while attempting to handcuff him.

§ 87(2)(g)

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As noted above, the officers approached the vehicle for having improper plates. The initial officers who conducted the vehicle stop, PO Rasool, PO Navarro, and PO Mancilla, never mentioned having a suspicion of marijuana or did not recall whether such conversation occurred. PO Mancilla and PO Navarro did not believe there were weapons in the vehicle. PO Rasool stated that he did not recall if he believed the other occupants in the vehicle had any weapons. According to all three officers, the other occupants were never suspected of any crimes (Board Review 05, 09, 12, and 13).

Officers need founded suspicion that criminality is afoot in order to conduct a common law inquiry, such as asking accusatory questions, People v. Debour, 40 N.Y.2d 210 (1976) (Board Review 25). Founded suspicion may be based upon the knowledge possessed at that moment and any reasonable inferences.

An officer may not ask occupants of a lawfully stopped vehicle if they have weapons without founded suspicion that criminality is afoot, People v. Garcia, 20 N.Y.3d 317 (2012) (Board Review 26).

§ 87(2)(g)

Although this was not alleged by any of the civilians interviewed, at the beginning of Lt. Hirsch's BWC, it appears that Lt. Hirsch is speaking with a female individual (Board Review 27). Once the audio is captured 30 seconds in, Lt. Hirsch tells a group of more than five civilians, "You guys have to take five steps back and then you could record or do whatever you want." At 1:06, Lt. Hirsch turns to a female and says, "Miss if I tell you take another step back, I'm going to arrest you." The female then steps away.

In his CCRB interview, Lt. Hirsch was shown the above clip from his BWC and he stated that he did not recall (Board Review 10). However, Lt. Hirsch stated that the female could have been charged with OGA at this point because her actions were preventing the officers from transporting § 87(2)(b) to the stationhouse.

§ 87(2)(g)

Allegation (I) Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)

Although this was not alleged by any of the civilians interviewed, at 2:43 of Lt. Hirsch's BWC, Lt. Hirsch repeatedly says, "On the sidewalk" (Board Review 27). At 2:50, a male wearing a black cap and grey sweater (M2) says something inaudible and Lt. Hirsch responds, "On the sidewalk. You're not fucking listening to me though right?"

In his CCRB interview, Lt. Hirsch was shown the above clip from his BWC and he stated that he said this because the civilians were not listening to the officers and stood in the street recording. Lt. Hirsch told the civilians numerous times that they could record but they had to get the arrested individual into the van and away. There was no other reason why Lt. Hirsch used profanity at this point.

The mission and values of the NYPD states that officers are to "maintain a higher standard of integrity that is generally expected of others" and "value human life, respect the dignity of each individual, and render our services with courtesy and civility," NYPD Patrol Guide Procedure 200-02 (Board Review 23).

Officers' use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves "no legitimate purpose but to belittle" a civilian, DAO DCT Case Number 2015-15012 (Board Review 24).

§ 87(2)(g)

Allegation (J) Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Captain Mark Vazquez spoke discourteously to individuals.

Although this was not alleged by any of the civilians interviewed, in PO Dunne's BWC starting at 2:25, a group of civilians standing in front of a house is yelling at officers to leave and threatening

to sue the officers (Board Review 28). The officers are standing around speaking to each other. At 4:20, Captain Vazquez says, “All right everybody 98!” As the officers begin to walk away, civilians can be heard shouting, “Alright,” “Bye,” and “Bitches.” At 4:28, Captain Vazquez turns around and says, “Hold on, hold on. Who’s fucking. Who’s cursing right now?” He then orders all civilians to leave the property and the officers begin to disperse the civilians.

In his CCRB interview, Captain Vazquez was shown the above clip from PO Dunne’s BWC and stated that as he told the officers to resume patrol, he used profanity in response to people saying, “Suck my dick,” and other profanities. Captain Vazquez denied cursing at the civilians and stated that he was using the profanity to express a point in order to let the civilians know that he “means business.”

The mission and values of the NYPD states that officers are to “maintain a higher standard of integrity that is generally expected of others” and “value human life, respect the dignity of each individual, and render our services with courtesy and civility,” NYPD Patrol Guide Procedure 200-02 (Board Review 23).

Officers’ use of profanities during stressful street encounters do not constitute misconduct but may not do so when it serves “no legitimate purpose but to belittle” a civilian, DAO DCT Case Number 2015-15012 (Board Review 24).

It is undisputed that there was no longer an emergency or a need for law enforcement action given that Captain Vazquez told the officers to leave and thus the previously stressful encounter had abated at this point. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Discourtesy: At Atkins Avenue and Belmont Avenue in Brooklyn, Police Officer Oscar Mancilla spoke discourteously to § 87(2)(b)

Although this was not alleged by any of the civilians interviewed, between 21:00-21:17 of PO Mancilla’s BWC, PO Mancilla escorts § 87(2)(b) in handcuffs into the stationhouse and tells him, “If I was told to walk away, I would just walk away” (Board Review 20). § 87(2)(b) replies, “I have his phone.” PO Mancilla then says, “Bro I would’ve gotten to him later. What the fuck?” The investigation obtained § 87(2)(b)’s name from the 75th Precinct Command log, but the investigation was unable to obtain § 87(2)(b)’s phone number to contact him based off the limited information recorded.

During his CCRB interview, PO Mancilla was shown the above video and PO Mancilla stated that he said, “What the fuck” because he was trying to keep the civilian calm. PO Mancilla did not recall saying the profanity for any other reason. When asked if it helped with keeping the civilian calm, PO Mancilla stated that the civilian “did not have an issue” with him.

The mission and values of the NYPD states that officers are to “maintain a higher standard of integrity that is generally expected of others” and “value human life, respect the dignity of each individual, and render our services with courtesy and civility,” NYPD Patrol Guide Procedure 200-02 (Board Review 23).

Officers’ use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves “no legitimate purpose but to belittle” a civilian, DAO DCT Case Number 2015-15012 (Board Review 24).

At the time PO Mancilla used profanity, PO Mancilla was having a conversation with the arrested individual as they were entering the stationhouse and video evidence showed there were no difficulties with escorting the individual. § 87(2)(g)

Allegation (L) Abuse of Authority: At the 75th Precinct stationhouse, officers refused to provide their name to § 87(2)(b)

Allegation (M) Abuse of Authority: At the 75th Precinct stationhouse, officers refused to provide their shield number to § 87(2)(b)

During her initial call to the CCRB, § 87(2)(b) stated that she went to the 75th Precinct stationhouse to inquire about § 87(2)(b)'s arrest. At the stationhouse, § 87(2)(b) requested the officers' names and shield numbers, but they refused to provide them to her (Board Review 01). § 87(2)(b) did not provide additional information regarding who she requested the information from and was uncooperative with providing a sworn statement during the investigation.

None of the officers interviewed in this case stated that § 87(2)(b) asked for their name and shield number or another officers' information (Board Review 05-14).

PO Mancilla, PO Kristina Lopez, Lt. Hirsch, PO Solomito, and PO Rasool's BWC captured portions of § 87(2)(b)'s time in the stationhouse. However, none of the officers' BWC footage captured § 87(2)(b)'s requesting for officers' names and shield numbers (Board Review 29-35).

§ 87(2)(g)

Allegation (N) Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch acted discourteously toward § 87(2)(b)

Allegation (O) Abuse of Authority At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch damaged § 87(2)(b)'s property.

As noted above, § 87(2)(b) did not provide a sworn statement during the investigation. However, in her phone statement, § 87(2)(b) stated that while at the stationhouse, she attempted to take photos when officers told her she could not do so and so § 87(2)(b) exited (Board Review 01). Officers then exited the stationhouse, handcuffed her, and then damaged her glasses by throwing them on the ground. At 00:36 of PO Rasool's BWC, § 87(2)(b) tells PO Rasool that someone threw her glasses on the ground and broke the lens (Board Review 34). § 87(2)(b) was arrested and charged with disorderly conduct, criminal trespass, and resisting arrest (Board Review 17).

A still image taken from PO Solomito's BWC at 00:02 shows Lt. Hirsch is holding a pair of glasses (identified via the investigation as § 87(2)(b)'s glasses) in his right hand (Board Review 33 and 36).

At 1:40 of PO Mancilla's BWC, a pair of glasses is seen being thrown from the right side of the screen and hits the desk on the left side of the screen then slides off onto the ground (Board Review 30).

At 1:15 of Lt. Hirsch's BWC, § 87(2)(b) says, "Don't throw my fucking glasses" (Board Review 32). Lt. Hirsch replies, "They're broken already." § 87(2)(b) then tells Lt. Hirsch that he broke them.

In his CCRB interview, Lt. Hirsch denied throwing or damaging § 87(2)(b)'s glasses (Board Review 10). Lt. Hirsch did not recall picking up a pair of glasses during the incident.

In the officers' CCRB interviews, only PO Mancilla recalled picking up § 87(2)(b)'s glasses from the floor (Board Review 05). PO Mancilla stated that he did not see how they came to be on the floor, but recalled that the glasses were bent. PO Mancilla denied damaging § 87(2)(b)'s glasses or seeing an officer do so.

The mission and values of the NYPD states that officers are to "protect the lives and property" of citizens, NYPD Patrol Guide Procedure 200-02 (Board Review 23).

The BWC footage captured Lt. Hirsch holding a pair of glasses moments before they were thrown towards the desk. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (P) Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)

Allegation (Q) Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)

Allegation (R) Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)

Allegation (S) Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)

Allegation (T) Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)

Allegation (U) Discourtesy: At the 75th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)

It is undisputed that approximately one hour after § 87(2)(b)'s arrest at 10:26 p.m. (time noted in her arrest report), § 87(2)(b) and § 87(2)(b) arrived at the 75th Precinct stationhouse to inquire about the arrests of § 87(2)(b) and § 87(2)(b). The investigation was unable to contact § 87(2)(b) to obtain his statement.

In his CCRB statement, § 87(2)(b) stated that when he entered the stationhouse with § 87(2)(b) and § 87(2)(b) he knocked on the glass to get the officers' attention (Board Review 04). Officers subsequently exited and § 87(2)(b) asked what happened with his mother § 87(2)(b) and brother § 87(2)(b). In response, an officer said, "Get the fuck out," and Lt. Hirsch said, "Yeah. Get them the fuck out."

In his CCRB statement, § 87(2)(b) stated that Lt. Hirsch told them to not knock on the glass and said, “Get the fuck out” (Board Review 03). Another officer then told them, “Get the fuck out of the precinct.” § 87(2)(b) attempted to deescalate § 87(2)(b) because § 87(2)(b) appeared to be upset at this point and his voice was “a little loud.” An unidentified officer then tells § 87(2)(b) “Yo, get him the fuck out of the precinct.”

None of the officers’ BWC captured the point when the officers told § 87(2)(b) and § 87(2)(b) to leave the stationhouse. The investigation is in possession of stationhouse footage but there is no audio.

During his interview, Lt. Hirsch recalled civilians screaming at the stationhouse and refused orders to leave (Board Review 10). Lt. Hirsch had limited recollection of this incident and was combining this incident with the circumstances of when § 87(2)(b) arrived at the stationhouse. Lt. Hirsch denied saying, “Get the fuck out,” while telling civilians to leave the stationhouse.

PO Mancilla had a limited recollection of additional civilians arriving at the stationhouse after § 87(2)(b) s arrest (Board Review 05). He only recalled officers dealing with a male in front of the stationhouse and did not recall if that male was with anyone or if he was ever inside the stationhouse. PO Mancilla denied telling any males to “Get the fuck out,” and did not recall if he heard an officer doing so.

PO Rasool denied saying, “Get the fuck out,” or “Get the fuck out of the precinct,” and he did not hear an officer say this (Board Review 09). PO Rasool did not recall being present during the arrest of § 87(2)(b) and § 87(2)(b).

PO Solomito denied using profanities towards § 87(2)(b) and § 87(2)(b) and did hear another officer do so (Board Review 07).

PO Navarro did not recall if he or another officer used profanities (Board Review 12-13).

Sgt. Hansson and PO Dunne did not recall three males being arrested at the stationhouse (Board Review 06 and 11).

Sgt. Elliot recalled an unknown number of civilians arriving at the stationhouse and one of the males being argumentative (Board Review 08). However, Sgt Elliot denied speaking to any civilians at the stationhouse and did not know what was said between the officers and this male.

Captain Vazquez did not recall anyone being arrested at the stationhouse and denied being present when three males were arrested (Board Review 14).

§ 87(2)(g)

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Allegation (V) Force: At the 75th Precinct stationhouse, Police Officer Joshua Navarro used physical force against § 87(2)(b)

Allegation (W) Force: At the 75th Precinct stationhouse, officers used physical force against § 87(2)(b)

Allegation (X) Force: At the 75th Precinct stationhouse, Police Officer Joshua Navarro used physical force against § 87(2)(b)

Allegation (Y) Force: At the 75th Precinct stationhouse, an officer hit § 87(2)(b) against the ground.

Allegation (Z) Force: At the 75th Precinct stationhouse, an officer threatened § 87(2)(b) with the use of force.

After the officers told § 87(2)(b) and § 87(2)(b) to leave, they began to back out of the stationhouse. In his CCRB statement, § 87(2)(b) stated that he was on the phone with his attorney as all of the officers continued to follow them onto the street (Board Review 04). § 87(2)(b) stated that he asked his attorney why the officers were “ganging up” on him while he used one hand to point from left to right. An officer (identified via the investigation as PO Navarro) who was standing approximately three or four feet away from § 87(2)(b) told § 87(2)(b) to get his hand out of his face. § 87(2)(b) stated that his hand was not in the officer’s face and crossed the street. PO Navarro subsequently ran towards § 87(2)(b) jumped up with his knees against § 87(2)(b)’s stomach/rib area, and his hands wrapped around the back of § 87(2)(b)’s neck. § 87(2)(b) felt as if PO Navarro was attempting to drop him on the ground, but § 87(2)(b) did not drop to the ground because PO Navarro was smaller than § 87(2)(b) stood in place and was holding the PO Navarro’s weight up at this point.

§ 87(2)(b) subsequently felt an additional two bodies on him and saw an officer point a taser at his face two feet away. In response, § 87(2)(b) voluntarily went to the ground and lied down on his stomach. § 87(2)(b) then placed his hands behind his back because he did not want to be tasered. Officers had not given § 87(2)(b) any instructions at this point. While on the ground, § 87(2)(b) felt punches and kicks throughout his body. Officers kicked the right side of his torso area more than five times. § 87(2)(b) also felt officers’ knees against his back and stomp on his back. An officer punched the back of § 87(2)(b)’s head three times. § 87(2)(b) denied moving his head or any part of his body when he was on the ground. An officer said, “Stop resisting,” and applied pressure against § 87(2)(b)’s face and “mushed” his face to the ground. § 87(2)(b) sustained a bruise on the left side of his cheek and his cheek was bleeding. The area between § 87(2)(b)’s left shoulder and neck area was bleeding as well; § 87(2)(b) did not know how he sustained the injuries.

§ 87(2)(b)’s account was generally consistent with § 87(2)(b)’s regarding how an officer tried to bring § 87(2)(b) to the ground by jumping on his neck and wrapping both of his hands around the back his neck. § 87(2)(b) did not witness the subsequent events because officers started to restrain him.

In his CCRB testimony, PO Navarro stated that officers told two males to leave the stationhouse and they became combative, aggressive, and did not comply (Board Review 12 and 13). PO Navarro stated that § 87(2)(b) could have been arrested for disorderly conduct for refusing to leave and they were deescalating the situation by allowing them to leave. As one of the males (identified via the investigation as § 87(2)(b)) was yelling, he balled up his fist and moved his hands around a lot. § 87(2)(b) said, “Fuck y’all. Suck my dick. I could fuck you up.”

§ 87(2)(b) yelled “fighting words.” PO Navarro and the officers followed § 87(2)(b) out of the stationhouse. Outside, § 87(2)(b) yelled, cursed, and made threats. § 87(2)(b) called someone on his cellphone and yelled something to the effect of, “I’m going to fuck these cops up.” In response to § 87(2)(b)’s statement, PO Navarro went to arrest § 87(2)(b) by lunging towards him and grabbing his upper body. PO Navarro did not know if both of his legs were off the ground when he lunged towards § 87(2)(b). PO Navarro stated that his knee “probably” made physical contact somewhere on § 87(2)(b)’s body. When asked if he used his knee to strike § 87(2)(b), PO Navarro stated that the “foot strikes” noted in the TRI report was in reference to this action and were unintentional in order to brace himself to prevent himself from falling as he was “flying through the air.” However, PO Navarro did not recall using additional force. PO Navarro prepared a TRI report documenting a hand strike and forcible takedown against § 87(2)(b) (Board Review 38). The TRI report also noted that § 87(2)(b) used hand strikes and foot strikes against officers and was pushing/shoving, and wrestling/grappling officers. PO Navarro stated that § 87(2)(b) was much taller than him and was strong. When PO Navarro tried to grab § 87(2)(b)’s upper body he intended to control § 87(2)(b)’s head by clasp his hands behind M2’s head from the front. PO Navarro did not believe he was successful in the aforementioned maneuver because § 87(2)(b) was bigger than him. PO Navarro believed that when he tried to grab § 87(2)(b) by his upper body he readjusted and tried to pull § 87(2)(b)’s legs out instead. PO Navarro did not recall if he grabbed one or both of legs. PO Navarro felt as if § 87(2)(b) was pushing away from him because PO Navarro was unable to get § 87(2)(b) down on his own. At some point, officers assisted with bringing § 87(2)(b) down. PO Navarro believed that he may have been hit with something in the face or he was bumped during the incident and he thought that § 87(2)(b) punched him, but he could not tell due to how close they were to each other. Eventually, officers brought § 87(2)(b) down to the ground. § 87(2)(b) was not cooperating by refusing to give the officers his hands. PO Navarro did not recall if § 87(2)(b) was doing anything else to be uncooperative. There were officers physically on top of PO Navarro. PO Navarro did not recall if he pushed § 87(2)(b)’s face against the ground or if an officer did so. PO Navarro did not see an officer point a taser at § 87(2)(b). Aside from the knee strike, PO Navarro did not recall kicking § 87(2)(b) at any other point. PO Navarro did not know if officers used any additional force.

During his CCRB interview, after reviewing 75th Precinct stationhouse footage between 1:07:47 to 1:08:25, Lt. Hirsch recalled three males being arrested at the stationhouse. Lt. Hirsch stated that they were intoxicated, acted in a violent tumultuous manner, screamed obscenities, and caused panic and alarm to the officers. Lt. Hirsch did not recall if the three males made any threats toward the officers. Lt. Hirsch did not recall the circumstances of the arrests of the three males or if he assisted with their arrest. Lt. Hirsch did not recall if there were any difficulties in arresting the three males. Lt. Hirsch stated that he did not see officers use any hand strikes or kneeling the three males. Lt. Hirsch did not see an officer kick the three males and did not see them on the ground. Lt. Hirsch was equipped with a taser during the incident and stated that he might have pointed his taser at the males if they were acting in a violent manner, but he did not recall if he did so. Lt. Hirsch did not recall how the males were violent. Lt. Hirsch did not see an officer point his taser towards the males. Lt. Hirsch did not see an officer push a male’s face against the ground and he denied doing so.

During the interview, PO Mancilla stated that he saw officers arresting a male (identified via the investigation as § 87(2)(b)) outside the stationhouse (Board Review 05). PO Mancilla did not know why § 87(2)(b) was being arrested, but he was screaming and yelling obscene language. Officers tried to get hold § 87(2)(b)’s arms and during the struggle § 87(2)(b) fell. PO Mancilla did not recall what caused § 87(2)(b) to fall. While on the ground,

§ 87(2)(b) did not give his arms, tensed up, pulled away, and flailed his arms. PO Mancilla assisted the other officers, but he did not recall what he did. PO Mancilla only recalled the officers putting § 87(2)(b)'s hands behind his back. PO Mancilla denied punching or kicking anyone outside the stationhouse and did not see officers do so. PO Mancilla denied pointing his taser at any civilians and did not see any officers do so.

In his CCRB statement, PO Solomito stated that three males entered the stationhouse at approximately 11:45 p.m. and one of them made a commotion by the waiting area (Board Review 07). PO Solomito and the officers told the males to leave numerous times because they were making a scene in the waiting area. At some point, the males exited the stationhouse and the interaction between the males and officers continued on the street as they refused lawful orders to disperse. At some point, officers arrested the three males, but PO Solomito did not assist with the arrest. Aside from PO Navarro, PO Solomito did not know which other officers participated in the arrests. PO Solomito only recalled the males being placed in handcuffs, but not the details. PO Solomito did not see an officer punch or kick the three males. PO Solomito stated that PO Navarro informed him that one of the civilians resisted arrest and threatened an officer, but he did not hear the threat. PO Solomito did not see any of the males strike an officer.

PO Rasool did not recall this incident. During the interview, he was shown stationhouse footage and BWC footage capturing some parts of the arrests outside the stationhouse, but it did not aid in his independent recollection (Board Review 09).

In his CCRB statement, Sgt. Elliot stated that officers arrested a male in front of the 75th Precinct stationhouse and the male resisted arrest (Board Review 08). During his CCRB interview, Sgt. Elliot was shown § 87(2)(b)'s arrest photo and he did not recognize him. The officers closest to the male obstructed Sgt. Elliot's view from seeing how the officers placed him in handcuffs. Sgt. Elliot did not see what force the officers used to arrest the male. Sgt. Elliot did not see officers punch or kick a male outside the stationhouse and Sgt. Elliot denied doing so. Sgt. Elliot did not recall which officers were involved in handcuffing the male. Sgt. Elliot denied pointing a taser at a civilian and did not recall an officer doing so. Sgt. Elliot denied pushing a male's face down to the ground and did not see an officer doing so. Sgt. Elliot did not take a civilian down to the ground and did not see an officer do so.

In his CCRB statement, Sgt. Hansson stated that he did not recall this specific incident. Sgt. Hansson did not see a male being slammed to the ground outside the stationhouse and denied doing so (Board Review 11). Sgt. Hansson did not see officers punch or kick a male outside the stationhouse and he denied using any force.

In his CCRB interview, Captain Vazquez stated that he did not believe he was present for any incidents or arrests at the stationhouse (Board Review 14).

At the start of PO Mancilla's BWC, it appears that § 87(2)(b) and an officer falls next to a vehicle (Board Review 37). PO Mancilla and other officers join, but it is unclear what is happening due to the poor lighting and how quickly the BWC is moving. At 1:04, § 87(2)(b) is in handcuffs and faced down on the ground. There is no additional BWC footage capturing § 87(2)(b)'s arrest.

Stationhouse footage captures § 87(2)(b) and § 87(2)(b) exiting the stationhouse at 1:07:01 (timestamp in video). The video is entitled 075PCT-C036-EXT-Front of Building # 1-2019-09-07_22h30min00s000ms (Board Review 39). However, the video did not capture their arrests given that it happened across the street from the stationhouse.

§ 87(2)(b) was charged with making terroristic threat, resisting arrest, obstructing governmental administration, and disorderly conduct (refusing to disperse). It was noted that § 87(2)(b) refused lawful orders to disperse yelled, “Tonight I’m going to fuck a cop up,” in a violent manner. It was also noted that § 87(2)(b) resisted arrest by flailing his arms.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (AA) Force: At the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)

Allegation (AB) Force: At the 75th Precinct stationhouse, an officer used physical force against § 87(2)(b)

Allegation (AC) Force: At the 75th Precinct stationhouse, an officer hit § 87(2)(b) against the ground.

Allegation (AD) Force: At the 75th Precinct stationhouse, an officer pointed their gun at § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that after he saw an officer jump on § 87(2)(b) another officer punched § 87(2)(b) (Board Review 03). The officer did not say anything as he punched § 87(2)(b). An officer then picked § 87(2)(b) up and slammed him on the ground. § 87(2)(b) landed on his chest. While on the ground, an officer told him to stop resisting and put his hands behind his back. § 87(2)(b) did not move while he was on the ground. As § 87(2)(b)'s head was a few inches off the ground, an officer pressed his face against the ground with the right side of his face against a metal object. § 87(2)(b) believed to be a sewer grate or cover. As the officers were handcuffing § 87(2)(b) an officer placed their gun against § 87(2)(b)'s back. At the 75th Precinct stationhouse, an officer hit § 87(2)(b) against the ground. § 87(2)(b) was not moving prior or during the officer placing his knee against his back. § 87(2)(b) stated that the officer placed their knee against his back hard enough to cause a spinal injury. § 87(2)(b) could not describe any of the subject officers.

§ 87(2)(b)'s medical records shows that he went to § 87(2)(b) Emergency Department on § 87(2)(b) and was discharged the same day (Board Review 45). § 87(2)(b) complained of generalized body pain to lower back after being attacked by officers. § 87(2)(b) had no prior medical or surgical history. It was noted that § 87(2)(b) stated that he was pushed to the floor and punched all over his body. § 87(2)(b) was

diagnosed with traumatic lumbar back pain associated with muscle strain, no fracture, and no dislocation.

In his CCRB statement, § 87(2)(b) stated that he did not see what occurred between the officers and § 87(2)(b) (Board Review 32).

As noted above, Lt. Hirsch stated that he did not recall the circumstances of the arrests of the three males at the stationhouse (Board review 10). In his CCRB testimony, Lt. Hirsch denied seeing officers using any hand strikes, kicking, or kneeing them. Lt. Hirsch also denied pointing his gun towards a male's back and did not see an officer do so. Lt. Hirsch did not see an officer push a male's face against the ground and he denied doing so.

In their CCRB testimonies, PO Mancilla and PO Navarro did not recall anyone else being placed in handcuffs aside from § 87(2)(b) (Board Review 05 and 12-13). PO Mancilla denied pointing his gun at any civilians and did not see any officers do so. PO Mancilla denied punching anyone outside the stationhouse and did not see officers doing so.

In his CCRB testimony, PO Solomito stated that three people arrested at the stationhouse, but he did not assist with the arrests (Board Review 07). PO Solomito did not see an officer punch the three males. PO Solomito denied seeing officers use force against the three males outside the stationhouse. PO Solomito denied seeing an officer point their gun at the three males or see an officer with their gun drawn

In his CCRB testimony, PO Rasool stated that he did not recall being present during the incident with three males outside the stationhouse (Board Review 09).

In his CCRB testimony, Sgt. Elliot stated that he did not see officers punch or kick a male outside the stationhouse and Sgt. Elliot denied doing so (Board Review 08). Sgt. Elliot did not draw his firearm or see any officers do so. Sgt. Elliot did not recall using any force at the 75th Precinct stationhouse.

In his CCRB testimony, Sgt. Hansson stated that he did not recall whether anyone was arrested at the stationhouse (Board Review 11). Sgt. Hansson did not see an officer slam a male on the ground or point their firearm against their back. Sgt. Hansson denied pointing his firearm against a male's back. Sgt. Hansson did not see officers punch or kick a male outside the stationhouse and he denied using any force.

In his CCRB interview, Captain Vazquez stated that he did not believe he was present for any incidents or arrests at the stationhouse (Board Review 14).

§ 87(2)(g)

Allegation (AE) Abuse of Authority: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch refused to provide his shield number to § 87(2)(b)

Allegation (AF) Discourtesy: At the 75th Precinct stationhouse, Lieutenant Forrest Hirsch spoke discourteously to § 87(2)(b)

In his CCRB interview, § 87(2)(b) stated that when he asked for Lt. Hirsch's name and shield number, Lt. Hirsch said his name, but did not provide his shield number (Board Review 04).

During the interview, § 87(2)(b) did not recall Lt. Hirsch's name, what letter his name started with, or how his name sounded, but he described him as a white male, in uniform (white shirt), 6'1" tall, toned build, short grey and white hair, with grey and white mustache and goatee, in his mid-50s, and did not wear glasses. § 87(2)(b) stated that Lt. Hirsch told him, "Say another word, this is going to be a long night in here for you, you piece of shit."

In PO Mancilla's BWC, at 1:25, an officer says, "Get him the fuck up. You say a fucking word inside that precinct you're going to have a long fucking night" (Board Review 37). The BWC does not capture which officer made the statement, but given the volume of the voice it appears that the officer was near § 87(2)(b).

During Lt. Hirsch's CCRB interview, he was shown the clip from PO Mancilla's BWC and he denied making the statement and did not know whose voice it was (Board Review 10). All of the officers interviewed during the investigation did not know who made the statement (Board Review 05-09 and 11-15).

According to stationhouse footage (\075PCT-C037-EXT-Front of Building # 2-2019-09-07_22h30min00s000ms.mp4), at 1:10:25 (timestamp in the video), it appears that Captain Vazquez is walking away from the area of § 87(2)(b)'s arrest seconds before the officers begin to escort § 87(2)(b) into the stationhouse (Board Review 39). Subsequently, Lt. Hirsch and the officers walk § 87(2)(b) into the stationhouse. Moreover, in PO Mancilla's BWC, at 1:35, approximately 10 seconds after the officer says, "Get him the fuck up. You say a fucking word inside that precinct you're going to have a long fucking night piece of shit." Captain Vazquez appears to be at least 20 feet away. Given that § 87(2)(b)'s description of the subject officer closely matched Lt. Hirsch, and that he provided an almost verbatim statement made by the subject officer, along with the fact that video footage showed that Lt. Hirsch was the only white shirt officer who was near § 87(2)(b) at the time the profanity was used, the investigation determined by a preponderance of the evidence that Lt. Hirsch is the subject officer.

The mission and values of the NYPD states that officers are to "maintain a higher standard of integrity that is generally expected of others" and "value human life, respect the dignity of each individual, and render our services with courtesy and civility," NYPD Patrol Guide Procedure 200-02 (Board Review 23).

Officers' use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves "no legitimate purpose but to belittle" a civilian, DAO DCT Case Number 2015-15012 (Board Review 24).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation (AG) Force: At the 75th Precinct stationhouse, Police Officer Anthony Caselli used physical force against § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that while he was inside the holding cell area,

officers pushed § 87(2)(b) against a wall (Board Review 04). § 87(2)(b) did not know how many officers pushed him, but there were more than ten officers in that area. § 87(2)(b) denied moving his body when the officers pushed him.

At 43:18 of surveillance footage depicting the holding cell area of the 75th Precinct stationhouse (entitled 075PCT-C027-1st FL-Overflow Entrance - Fingerprinting-2019-09-07_23h00min00s000ms), PO Caselli and two other officers appear to be holding § 87(2)(b) against a wall while he is handcuffed (Board Review 134). There are approximately nine officers in the area. At 43:27, § 87(2)(b) backs up a few steps and walks to the right. At 43:40, § 87(2)(b) then turns his body left and right multiple times in succession. PO Caselli then pushes § 87(2)(b) by his chest against the wall. PO Caselli holds § 87(2)(b) by the front of his shirt by the chest and appears to pull § 87(2)(b) towards him and then pushes him back against the wall. Additional officers hold § 87(2)(b) down against a chair.

In his CCRB statement, PO Mancilla stated that after officers handcuffed § 87(2)(b) he brought § 87(2)(b) into the stationhouse (Board Review 05). PO Mancilla did not recall if there were any difficulties in doing so. PO Mancilla also placed § 87(2)(b) in the holding cells, but he did not recall if there were any difficulties in doing so. PO Mancilla did not recall if there was a struggle inside the holding cell.

During their CCRB interview, PO Rasool, PO Navarro, and PO Dunne reviewed the stationhouse footage (Board Review 06, 06, and 12-13). PO Rasool did not recall the incident and PO Navarro and PO Dunne did not see themselves in the video (Board Review 12 and 13).

In his CCRB testimony, PO Solomito stated that he did not have an independent recollection of what was depicted in the stationhouse footage and did not see himself in the video (Board Review 07). PO Solomito did not recall if there were any struggles involving the three arrested individuals inside the holding cells.

In his CCRB statement, Sgt. Elliot stated he was not present when the officers brought the arrested male into the holding cells. Sgt. Elliot stated that he did not witness a struggle between M1 and officers inside the holding cell.

The 75th Precinct identified the subject officer as PO Caselli through a screen capture from the stationhouse footage

§ 87(2)(g)

Allegation (AH) Discourtesy: At the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)

Allegation (AI) Abuse of Authority: At the 75th Precinct stationhouse, officers did not obtain medical treatment for § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that after the officers pushed him in the holding cell area, an officer said something to the effect of, “This little bitch is crying.” § 87(2)(b) did not see which officer said this, but it was a male’s voice. Officers subsequently placed § 87(2)(b) in a holding cell. When § 87(2)(b) was placed in a holding cell, § 87(2)(b) told two unidentified officers that he that he needed medical attentions and asked, “Can I go to the hospital?”

One of the officers said, “Hold on.” § 87(2)(b) repeated that he needed medical attention approximately three times every 15 minutes. At some point, § 87(2)(b) asked a third unidentified officer for medical attention and he also said, “Hold on.” Officers did not get § 87(2)(b) medical attention. During that morning, § 87(2)(b) decided to not go to the hospital because an officer told him that he would see the judge the following day once he goes to the hospital. § 87(2)(b) described one of the officers as a white male in blue uniform with a brown beard and mustache and had brown hair. The other two officers were described as white males; one of them wore a uniform and was the same height as § 87(2)(b) and the other officer was muscular and shorter than him. § 87(2)(b) could not further describe the subject officers.

At 45:20 of stationhouse footage (IA 134; \075PCT-C018-1st FL-Overflow Cells 13 - 14-2019-09-07_23h00min00s000ms.mp4), approximately four officers escort § 87(2)(b) into a holding cell and leave once he is placed inside (Board Review 39). The video does not have audio, but it does not appear that anyone speaks to § 87(2)(b).

It is undisputed that § 87(2)(b) did not get medical attention while in police custody. However, without video footage capturing § 87(2)(b) requesting medical attention from the officers or additional description of the subject officers, the investigation was unable to identify the subject officers. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint § 87(2)(b) and § 87(2)(b) have been a party of.
- PO Rasool has been a member of service for five years and has been a subject in 11 cases and 33 allegations, of which 22 are pending investigation and none were substantiated.
- Lt. Hirsch has been a member of service for 14 years and has been a subject in 16 cases and 55 allegations, of which 23 are pending investigation and four were substantiated:
 - Case number 201016064 involved substantiated allegations of a frisk and stop. The Board recommended charges and NYPD imposed instructions.
 - Case number 201306080 involved substantiated allegations of an entry and search, and offensive language. The Board recommended charges and Lt. Hirsch was found not guilty for the offensive language allegation and NYPD imposed a forfeit of five vacation days for the entry and search.
- PO Mancilla has been a member of service for five years and has been a subject in three CCRB complaints and four allegations, of which two are pending investigation and none were substantiated. § 87(2)(g)
- PO Solomito has been a member of service for three years and has been a subject in three CCRB complaints and 20 allegations since this case, all of which are pending investigation.
- PO Navarro has been a member of service for six years and has been a subject in eight CCRB complaints and 27 allegations, of which one was substantiated:
 - Case number 201808163 involved a substantiated allegation of a frisk against PO Navarro. The Board recommended formalized training and the NYPD imposed the recommendation.
 - § 87(2)(g)
- Captain Vazquez has been a member of service for 17 years and has been a subject in 15 CCRB complaints and 43 allegations, of which three were substantiated:

- Case number 201105740 involved substantiated allegations of an entry and search, threat to damage property, and discourtesy against Captain Vazquez. The Board recommended charges and the NYPD imposed a loss of 20 vacation days.
- § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] filed a Notice of Claim with the City of New York claiming unlawful detainment, false imprisonment, permanent injuries to his head, face, back, knees, and other pain and suffering, and seeking \$5,000,000 as redress (Board Review 40).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 8

Investigator:	<u>Patrick Yu</u>	<u>SI Patrick Yu</u>	<u>08/25/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>8/25/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date